



PLANNING DIRECTOR'S HEARING AGENDA

Wednesday, July 30, 2008

**9:00 a.m.
City Council Chambers
City Hall**

**200 East Santa Clara Street
San José, California 95113-1905**

Hearing Officers

Jean Hamilton, AICP, Principal Planner

Susan Walton, Principal Planner

**Joseph Horwedel, Director
Planning, Building, and Code Enforcement**

NOTE

To request an accommodation for City-sponsored meetings or events or an alternative format for printed materials, please call (*department contact person and telephone number*) or 408-294-9337 (TTY) (*or use your department TTY number, if one is available*) as soon as possible, but at least three business days before any meeting or event. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

Good morning, this is the Planning Director's Hearing of **June 30, 2008**. My name is _____ and I am the Hearing Officer for today's agenda. On behalf of the Planning Director, I would like to welcome you to this Public Hearing. Please remember to turn off all cell phones and pagers. A copy of the agenda is available on the table by the door for your convenience. A validation machine is available up the stairs at the rear of these chambers for parking tickets for the garage underneath City Hall.

The procedure for this hearing is as follows:

- I will identify the project as described on the agenda
- Staff will provide a brief report
- After the staff report, applicant and/or representative will have up to 5 minutes to speak and should make themselves known as their item comes up by approaching the microphone and identifying themselves and stating their home address, or just wave from the audience if you do not wish to speak
- Public testimony of up to 2 minutes, either for or against the project. Please state name and home address for the record
- After the public testimony, the applicant may make closing remarks of up to 5 minutes
- The public hearing will then be closed and I will take action on the item. The Hearing Officer may request staff to respond to the public testimony, ask staff questions, and discuss the item

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Director's action on these agenda items is final when the permit is signed and mailed, unless the permit is appealed. The Planning Director's actions are appealable in accordance with the requirements of Title 20 of the Municipal Zoning Code.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Planning, Building and Code Enforcement at San José City Hall, 200 E. Santa Clara Street, 3rd Floor Tower, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body.

Note: If you have any agenda changes, please contact Maria Rodriguez (maria.rodriguez@sanjoseca.gov).

AGENDA
ORDER OF BUSINESS

1. DEFERRALS

Any item scheduled for hearing this morning for which deferral is being requested will be taken out of order, to be heard first on the matter of deferral. A list of staff recommended deferrals is available on the table. I will identify the items to be deferred and then ask for comments from the audience. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time. I will now open the public hearing. The following items are proposed to be deferred.

The matter of deferrals is now closed.

2. CONSENT CALENDAR

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be considered together. There will be no separate discussion of these items unless a request is made by the staff, or the public to have an item removed from the consent calendar and considered separately.

- a. **HA05-037-02**. Site Development Permit Amendment to extend construction hours to 9:00 PM for a previously approved high-rise project in the DC Downtown Primary Commercial Zoning District, located at/on the northeast corner of Market Street & San Salvador Street (360 S MARKET ST) (City Of San Jose Redv Agcy, Mesa Sofa Partners, Llc Mr Richard Shields, Owner; Mesa Sofa Partners, Llc Mr Richard Shields, Developer). Council District 3. SNI: None. CEQA: Exempt.
Project Manager, Ella Samonsky
- b. **HA79-169-01**. Tree Removal Permit to allow the removal of nine (9) ordinance size trees at an existing business park. in the HI Heavy Industrial Zoning District, located at/on the southwest corner of Devon Drive and Zanker Road (230 DEVCON DR) (Amb Property Lp, Owner). Council District 4. CEQA: Exempt.
Project Manager, Ella Samonsky
- c. **HA84-258-01**. Tree Removal Permit for the removal of one pepper tree, 89 inches in circumference, from the common area of a multi-family residence in the A(PD) Planned Development Zoning District, located on the east side of Jackson Ave, approximately 450 ft north of Alum Rock Avenue (36 North Jackson Avenue) (Ramon Lei And Grace Chan, Owner). Council District 5. CEQA: Exempt
Project Manager, Bill Roth

- d. **PD08-030**. Planned Development Permit to demolish existing buildings and construct three buildings with a total of 555,000 square feet of research and development/office, 3,000 square feet of future retail, and two free-standing parking structures on a 9.70 gross acre site in the A(PD) Planned Development Zoning District, located on the southeast corner of Skyport Drive and Highway 87 (1602 Technology Drive) (Equity Office Properties, Owner). Council District 3. SNI: None. CEQA: Re-Use of Spieker Properties/Skyport EIR Reso. No. 69421.
Project Manager, John W. Baty
- e. **PDA03-058-01**. To remove two ordinance sized trees, one Washington Palm Tree (151 inches in circumference) and one Locust Tree (88 inches in circumference) from a church site in the A(PD) Planned Development Zoning District, located 330 feet north of Marian Lane between Alum Rock Avenue and Hyland Avenue (4600 HYLAND AV) (Roman Catholic Welfare Corp Of San Jose, Owner). Council District 5. CEQA: Exempt.
Project Manager, Edward Schreiner
- f. **PDA07-027-01**. Planned Development Permit Amendment to increase the height of 4 units (lots 17, 24, 25, & 32) from two stories to three stories and architectural modifications to 5 units (lots 17, 24, 25, 32 & 33). The previously approved PD Permit allowed a development consisting of 36 residential townhome units. The number of total units is not proposed to be changed. The project site is in the A(PD) Planned Development Zoning District, located on the west side of Campbell Avenue, approximately 950 feet northerly of Newhall Street (1179 Campbell Avenue) (Robson Homes LLC, Owner; Santa Clara Development, Developer). Council District 6. SNI: None. CEQA: Re-use of Mitigated Negative Declaration
Project Manager, Reena Mathew
- g. **PDA70-033-02**. Tree Removal Permit to allow the removal of two Ash trees, one Oak tree and one Monterey Pine tree, ranging from 47 to 108 inches in circumference from the common area of a multi-family residential development in the R-1-8(PD) Planned Development Zoning District, located at the NE corner of Snell and Chynoweth Avenues (800 CEDARGATE LN) (Montecito HOA Inc., Owners). Council District 2. CEQA: Exempt.
Project Manager, Suparna Saha
- h. **PDA92-005-01**. Wireless - Planned Development Permit Amendment to allow installation of a 30-foot-high slimline monopole and associated equipment cabinets in the A(PD) Planned Development Zoning District, located on the westerly terminus of Toulon Court (5254 SILVER CREEK VALLEY RD) (Shea Homes Ltd Partnership, Owner). Council District 8. SNI: None. CEQA: Exempt.
Project Manager, Suparna Saha
- i. The projects being considered are located on the southwest corner of Catherine Street and Gold Street (1081 Catherine St) in the A(PD) Planned Development Zoning District (Liam Balfe, Owner). Council District 4. SNI: None. CEQA: Mitigated Negative Declaration.
Project Manager, Licinia McMorro
- 1) **PD08-016** Planned Development Permit to construct four single-family detached residences on a 0.46 gross acre site.
- 2) **PT08-009** Planned Tentative Map to reconfigure three parcels into four lots for four single-family detached residences on a 0.46 gross acre site.
- j. **SP08-009**. Special Use Permit to allow demolition of a four-unit, circa-1919 residential building (158-160 E. St. John Street) on a 0.4-acre site in the CG General Commercial Zoning District, located at/on the southeast corner of E. St. John Street and N. 4th Street (156 E ST JOHN ST) (Baig Niaz Et Al, Owner). Council District 3. SNI: 13th Street. CEQA: Incomplete
Project Manager, Ella Samonsky

- k. [TR08-138](#). Tree Removal Permit to allow the removal of one Acacia tree, approximately 85 inches in circumference, from the front yard of a single-family residence in the R-1-8 Single-Family Residence Zoning District, located at 1240 Martin Avenue (Mark and Julie Trulson, Owner). Council District 6. CEQA: Exempt.
Project Manager, Bill Roth
- l. [TR08-156](#). Tree removal application for a Oak Tree of approximately 113 inches in circumference located in the side yard of a single family residence in the R-2 Residential Zoning District, located on the south side of Hester Ave., 500 ft west of The Alameda (1172 Hester Avenue) (Nancy Buffmun, Owner). Council District 6. CEQA: Exempt.
Project Manager, Reena Mathew
- m. [TR08-188](#). Live Tree Removal Permit to allow the removal of one Tree of Heaven, approximately 60-inches in circumference from the rear yard of an existing single-family residence in the R-M Multiple Residence Zoning District, located at 337 N. 4th Street (Tat Lam, Owner). Council District 3. CEQA: Exempt
Project Manager, Reena Mathew
- n. [TR08-193](#). Live Tree Removal Permit to allow the removal of one Liquid Amber tree, approximately 86-inches in circumference, from the front yard of an existing single-family detached residence. in the R-1-8 Single-Family Residence Zoning District, located at/on the 4333 Colombo Dr. (Krauss Michael A Et Al, Owner). Council District 1. CEQA: Exempt.
Project Manager, Ella Samonsky
- o. [TR08-196](#). Tree Removal Permit request to allow removal of three diseased pine trees, approximately 66, 106, and 117 inches in circumference, in the rear yard of a single-family residence located at 6252 Paso Los Cerritos, within the R-1-5 Single-Family Residence Zoning District. (Demetrius A. Kourtides Trustee, Owner). Council District 10. CEQA: Exempt.
Project Manager, Allen Tai

1. PUBLIC HEARING

- a. [PD08-018](#). Planned Development Permit to allow exterior and interior remodeling and construct an addition to an existing commercial building, to a total of 51,143 square feet, including a drive-through pickup area (OSH) on a 9.36 gross acre site in the A(PD) Planned Development Zoning District, located on the east side of Yucca Avenue, approximately 250 feet southerly of Foxworthy Avenue (9647 TRACT) (Hacienda Gardens Llc, Owner; Hacienda Gardens, Llc Mark Tersini, Developer). Council District 9. SNI: None. CEQA: Mitigated Negative Declaration.
Deferred from 06/18/2008.
Project Manager, Ed Schreiner
- b. [PD04-071](#). Planned Development Permit to demolish three single-family detached residences and construct 93 single-family attached residences on a 1.44 gross acre site in the A(PD) Planned Development Zoning District, located on the west side of McCreery Avenue approximately 230 feet southerly of Alum Rock Avenue (1884 ALUM ROCK AV) (Dry Heron Development LLC, Owner). Council District 5. SNI: Mayfair. CEQA: Mitigated Negative Declaration.
Deferred from 7/23/08
Project Manager, Martina Davis

This concludes the Planning Director's Hearing for June 30, 2008. Thank you.

PLANNING DIRECTOR'S AGENDA ON THE WEB:

<http://www.sanjoseca.gov/planning/hearings/default.asp>

PUBLIC INFORMATION COUNTER

(408) 535-7800 CITY OF SAN JOSÉ

CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Redevelopment Agency Board, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
 - No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D)**

3. Addressing the Council, Redevelopment Agency Board, Committee, Board or Commission:
- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
 - b) Meeting attendees are usually given two (2) minutes to speak on any agenda item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
 - c) Speakers should discuss topics related to City business on the agenda, unless they are speaking during open forum.
 - d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
 - e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
 - f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
 - g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.